

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**R.A. JR. (a minor child, by and through his
Father and next friend, Richard Lemmel
Arnold,**

Plaintiff,

vs.

**DEPUTY SHERIFF WALTER LACEY,
in his official and individual capacity,**

Defendant.

Case No.: CV-3:06-cv-337-WHA

MOTION TO COMPEL

COMES NOW the attorney for the Defendant Walter Lacy, and respectfully requests this Honorable Court to enter an order compelling the Plaintiff to fully and completely respond to the Defendant's Request for Production and Interrogatories, The Defendants' attorney has attempted in good faith to contact the Plaintiff's attorney in hopes of resolving the dispute without this court's intervention with no success. As grounds for said motion the Defendants show as follows:

1. Pursuant to this Court's Rule 16 Scheduling Order, the discovery deadline in this case is April 9, 2007. Trial is scheduled for May 7, 2007.

2. On February 20, 2007, the attorney for the Defendants served Defendant's Interrogatories to Plaintiff R.A. Jr., a minor child, by and through his Father and next friend, Richard Lemmel Arnold, and Defendants' First Request for Production of Documents to Plaintiff. (Copies of which are attached hereto as Exhibit A and B respectively.) Said discovery was served approximately forty days prior to the discovery deadline.

3. The Defendant's attorney wrote to the Plaintiff's attorney on March 26, 2007, again asking when responses could be expected since the date for responding to the Defendant's discovery was past due.

4. On March 28, 2007, the attorney for the Defendant spoke with the Plaintiff's attorney asking when responses to Defendants' discovery could be expected.

5. The discovery deadline is April 9, 2007, and the Defendant's attorney needs the information requested in the attached Interrogatories and Request for Production, in order not to be surprised at trial, which is set for May 7, 2007.

6. The undersigned attorney certifies that he has attempted to work with the plaintiff's attorney to resolve these matters, but as of March 30, 2007, the attorney for the Defendant has not heard back from the plaintiff's attorney.

7. Defendant will be prejudiced if the court does not require the Plaintiff to fully and completely respond to the outstanding discovery. Defendants submit that the Plaintiffs have delayed and/or failed to adequately and completely respond to discovery.

Wherefore, Defendant move this Court for an Order compelling the Plaintiffs to fully and completely Answer the Interrogatories and produce those documents responsive to the Request for Production of Documents on or before April 9, 2007.

/s/ C. Winston Sheehan, Jr.
C. WINSTON SHEEHAN, JR.
Attorney for Defendant

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2007, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Hon. Arlene M. Richardson
Richardson Legal Center, LLC
Post Office Box 971
Hayneville, AL 36040-0971

/s/ C. Winston Sheehan, Jr.

OF COUNSEL